

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE SOUTHERN DISTRICT OF NEW YORK

ASSOCIATION FOR MOLECULAR
PATHOLOGY, et al.,

Plaintiffs,

v.

UNITED STATES PATENT AND
TRADEMARK OFFICE, et al.,

Defendants.

CASE NO. 09-CV-4515 (RWS)

NOTICE OF MOTION AND MOTION
FOR LEAVE TO FILE BRIEF *AMICI*
CURIAE

USDC SDNY
DOCUMENT
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PLEASE TAKE NOTICE that proposed *Amici Curiae* BayBio, Celera Corporation, The Coalition for 21st Century Medicine, Genomic Health, Inc. and QIAGEN, N.V., Target Discovery, Inc. and XDX, Inc. shall and does hereby move this Court, before the Honorable Robert W. Sweet, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York at a date and time to be determined by the Court, for leave to file a brief *amici curiae*.

Filed herewith are: (1) Memorandum of Law in Support of this Motion for Leave to File a proposed brief *amici curiae*, (2) proposed Order granting leave to file the proposed brief *amici curiae*, and (3) the proposed brief *amici curiae* and the supporting Declaration of William G. Gaede, III.

DATED: January 6, 2010

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Respectfully Submitted,

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Counsel of Record for Amici Curiae

So ordered
Robert W. Sweet
1-26-10

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**[PROPOSED] ORDER GRANTING
LEAVE TO FILE BRIEF *AMICI CURIAE***

This matter having come before the Court on Proposed *Amici Curiae* BayBio, Celera Corporation, The Coalition for 21st Century Medicine, Genomic Health, Inc., QIAGEN, N.V., Target Discovery, Inc. and XDx, Inc.'s Motion for Leave to File Brief *Amici Curiae*, the Court having reviewed the parties' Stipulation and the record herein, and good cause appearing therefor,

IT IS SO ORDERED that *Amici Curiae* BayBio, Celera Corporation, The Coalition for 21st Century Medicine, Genomic Health, Inc., QIAGEN, N.V., Target Discovery, Inc. and XDx, Inc.'s motion is GRANTED.

DATED: _____

HONORABLE ROBERT W. SWEET
JUDGE OF THE U.S. DISTRICT COURT